

PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2009-00060

Issue Date: May 11, 2009

Expiration Date: June 9, 2009

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT:

New Jersey Transit Corporation 2 Gateway Center, 17th Floor Newark, New Jersey 07102

ACTIVITY:

Discharge fill material into waters of the United States and install, by directional drill, two new

single track tunnels beneath the Hudson River to facilitate railroad improvements as part of the

"Access to the Region's Core-Trans-Hudson Express Tunnel" project.

WATERWAY:

Penhom Creek, Hackensack River and Hudson River

LOCATION:

Towns of Kearny, Secaucus, Jersey City, North Bergen and Union City, Hudson County, New

Jersey, and New York City, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Information regarding the proposed work that would be undertaken is given in the attached Description of Proposed Work. Based on a preliminary review of the proposal and the "Guide to Essential Fish Habitat Designations in the Northeastern United States", issued by the National Oceanic and Atmospheric Administration/National Marine Fisheries Service, the EFH for several aquatic species and their life stages in the proposed project area could potentially be impacted by the proposed work. Further consultation with the NOAA/FS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to a final decision on the application.

Based upon a review of the latest published version of the National Register of Historic Places, there are several known sites eligible for, or included in, the Register within the permit area. In New Jersey these sites include: the New York Susquehanna and Western Railroad Historic District; the Old Main DL&W Railroad (Morris and Essex Line) Historic District; the Federal Carton Corporation/G&B Baker's Supply/Grand-City Container Corporation Building; the Substation 3 Building (Amtrak Substation 42); the Pennsylvania Railroad New York to Pennsylvania Historic District (NEC); Substation 4 (Amtrak Substation 41); the Delaware, Lackawanna & Western's Boonton Line (Main Line); and the Secaucus Potter's Field Cemetery. New York City sites include: the Nelson Tower and the Garment Center Historic District. The Federal Transit Administration (FTA, the lead NEPA federal agency), the Advisory Council on Historic Preservation, the New Jersey Transit Corporation, the New Jersey State Historic Preservation Officer and the New York State Historic Preservation Officer signed a Programmatic Agreement in October 2008 to govern the implementation of the proposed Access to the Region's Core—Trans-Hudson Express Tunnel project and satisfy FTA's compliance with Section 106 of the National Historic Preservation Act. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New Jersey State, the applicant's certification and accompanying information is available from the New Jersey Department of Environmental Protection, Coastal Management Program, P.O. Box 418, 401 E. State Street, Trenton, NJ, 08625, Telephone (609) 633-2201. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal

CENAN-OP-RW PUBLIC NOTICE NO. NAN-2009-00060

Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New Jersey Department of Environmental Protection Waterfront Development Permit
- New York State Department of Environmental Conservation Article 15 and 25 Permit
- New York City Department of City Planning

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8412 and ask for James Cannon.

For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Richard L. Tomer

Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The permit applicant, the New Jersey Transit Corporation (NJT), has requested Department of the Army authorization to perform U.S. Army Corps of Engineers-regulated work as part of the construction of their Federally-funded passenger railroad improvement project known as the "Access to the Region's Core — Trans-Hudson Express Tunnel" project. It is more commonly known as the ARC project. The nine-mile-long ARC railroad improvement project would pass through the Towns of Kearny, Secaucus, Jersey City, North Bergen and Union City, Hudson County, New Jersey, and through a new pair of railroad tunnels under the Hudson River into Manhattan and then into a new station facility for the existing Penn Station in New York.

The stated purpose and need for this passenger railroad improvement project is to increase capacity of the trans-Hudson commuter rail system, which is currently at capacity during peak travel periods; provide transfer free service to Midtown Manhattan from areas not served today; provide a new station facility to relieve severely overcrowded and inadequate conditions at Penn Station New York; reduce commuter rail delays; and enhance commuter rail system safety and security.

The United States Department of Transportation's (USDOT) Federal Transit Administration (FTA) completed its National Environmental Policy Act (NEPA) review process pursuant to Title 23 of the Code of Federal Regulations (CFR) Part 771 and Title 40 of the Code of Federal Regulations (CFR) Part 1500-1508 on 16 January 2009 by signing a Record of Decision which may be reviewed at: http://www.arctunnel.com/library/ and, the issuance of Final Environmental Impact Statement which may be reviewed at: http://www.arctunnel.com/library/

The U.S. Army Corps of Engineers' regulated construction work within the ARC project consists of two major elements.

The first regulated construction element consists of two new 7,400-linear foot single-track rail tunnels under the Hudson River between Hoboken, New Jersey and Twelfth Avenue and West 34th Street to Penn Station — New York in Manhattan, New York. The two new 25-foot-diameter tunnels would be bored /drilled through the existing bedrock beneath the Hudson River and would be below the river's existing authorized, built, and maintained forty-five-foot-deep Federal Navigation Channel as measured from the Datum of Mean Low Water. Return flow from the dewatered drill cuttings would be discharged to the Hudson River. The top of each new tunnel would be at minimum fifty feet below this forty-five-foot-deep Federal Navigation Channel. All of the tunnels' construction work would occur in the dry outside of the rivers waters.

The second regulated construction element consists of the permanent filling approximately 17.5 acres of regulated open waters and wetlands to create additional dry land and shading approximately 0.11 acres along the seven miles of existing railroad right-of-way from the new Hudson River tunnels westward into New Jersey to the new Kearny rail yard. Of this regulated 17.61 acres, approximately 3.16 acres are regulated open waters and approximately 14.45 acres are regulated wetlands. The 3.16 acres of regulated open waters are distributed among eleven specific fill sites ranging in size from 0.001 acre to 2 acres. The approximately 14.45 acres of regulated wetlands are distributed among fourteen specific fill sites ranging in size from 0.002 acre to 5.035 acres.

The permit applicant, the New Jersey Transit Corporation, reports that they will provide mitigation for these loses by buying mitigation credits at the yet-to-be-approved Richard P. Kane Tract Wetland Mitigation Bank being developed under the direction of the Meadowlands Conservation Trust in the Borough of Carlstadt, Bergen County, New Jersey; or at the Oritani Marsh in the Borough of East Rutherford, New Jersey. Based upon recent permit decisions in the area, expected ratios of required mitigation area to area of permitted loss include a minimum 2:1 for construction of new wetlands as mitigation, 3:1 for wetlands enhancement work in existing wetlands, and 27:1 for deed—restricted preservation of existing wetlands.

CENAN-OP-RW PUBLIC NOTICE NO. NAN-2009-00060

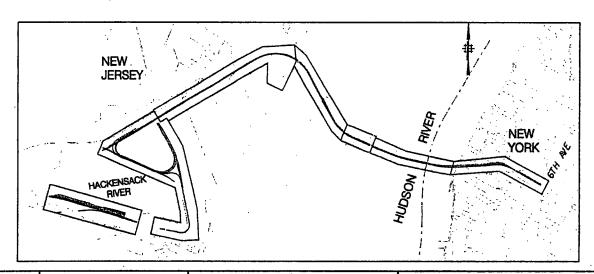
In the United States Department of Transportation's (USDOT) Federal Transit Administration (FTA) Record of Decision approving the ARC project, one of the required mitigation measures listed in Attachment B of the Record of Decision is for New Jersey Transit Corporation to produce a US Army Corps of Engineers and New Jersey Department of Environmental Protection approved wetlands and open water mitigation plan, and execute the mitigation plan prior to or concurrently with the ARC project's construction. Further, as stated in the Record of Decision, the aquatic mitigation work will also compensate for the non-regulated permanent filling of two isolated open water areas totaling 0.281 and eleven isolated wetland areas ranging in size from 0.033 acre to 0.534 acre totaling 1.424 acre. This results in a total of 19.32 acres of permanent filling of the aquatic environment to be mitigated for by the New Jersey Transit Corporation.

DEPARTMENT OF THE ARMY SECTIONS 10 AND 404 PERMIT APPLICATION DRAWINGS HUDSON COUNTY, NEW JERSEY NEW YORK COUNTY, NEW YORK

PREPARED FOR:

access to the region's come Trans-Hudson Express (THE) Tunnel

A Partnership of NJ TRANSIT and the Port Authority of NY and NJ







DMIM HARRIS AECOM CERTIFICATE OF AUTHORIZATION No. 24GA27986000

USACE SECTION 10/404 PERMIT TITLE SHEET

GEN-TT-1

FIGURE 1 5431

MARCH, 2009

DRAWING NO. GEN-TT-1 GEN-IN-1 GEN-GN-1 GEN-KP-1	DRAWING TITLE TITLE SHEET INDEX SHEET GENERAL NOTES GENERAL KEY PLAN
L00-PL-I L00-PL-2 L00-PL-3 L00-PL-4 L00-PL-5 L00-PL-6 L00-PL-7 L00-PL-8 L00-PL-9 L00-PL-10 L00-SC-I L00-SC-2	LOOP TRACKS - SHEET 1 LOOP TRACKS - SHEET 2 LOOP TRACKS - SHEET 3 LOOP TRACKS - SHEET 4 LOOP TRACKS - SHEET 5 LOOP TRACKS - SHEET 6 LOOP TRACKS - SHEET 7 LOOP TRACKS - SHEET 7 LOOP TRACKS - SHEET 8 LOOP TRACKS - SHEET 9 LOOP TRACKS - SHEET 10 LOOP TRACKS - CROSS SECTIONS - SHEET 1 LOOP TRACKS - CROSS SECTION - SHEET 1
POR-PL-I POR-PL-2 POR-PL-3 POR-PL-4 POR-PL-5 POR-PL-6 POR-SC-I POR-SC-2 POR-PP-I	NJ SURFACE ALIGNMENTS - SHEET 1 NJ SURFACE ALIGNMENTS - SHEET 2 NJ SURFACE ALIGNMENTS - SHEET 3 NJ SURFACE ALIGNMENTS - SHEET 4 NJ SURFACE ALIGNMENTS - SHEET 5 NJ SURFACE ALIGNMENTS - SHEET 6 NJ SURFACE ALIGNMENTS - SHEET 6 NJ SURFACE ALIGNMENTS - CROSS SECTIONS - SHEET 1 NJ SURFACE ALIGNMENTS - CROSS SECTIONS - SHEET 2 BRIDGE CROSSING NYS&W AND CONRAIL TRACKS - PLAN & PROFILE
KEA-PL-1 KEA-SC-1 PAL-GP-1	KEARNY YARD - GENERAL PLAN KEARNY YARD - GRADING AND DRAINAGE - TREATMENT BASIN TYPICAL SECTIONS PALISADES TUNNELS - GENERAL PLAN & PROFILE
HUD-KP-I HUD-PL-I	HUDSON RIVER TUNNELS - GENERAL PLAN & PROFILE HUDSON RIVER TUNNELS - HOBOKEN SHAFT
MAN-GP-I	MANHATTAN TUNNELS - GENERAL PLAN AND PROFILE





DMIM HARRIS | AECOM CERTIFICATE OF AUTHORIZATION No. 24GA27986000

Robert J. Schwade
NEW JERSEY PROPESSIONAL ENGINEER
LICENSTRING 3: GFE 1992 199

USACE SECTION 10/404 PERMIT

INDEX SHEET

· FIGURE 2 OF 51

MARCH, 2009

GEN-IN-1

GENERAL

- PLAN DIMENSIONS ARE MEASURED IN A TRUE HORIZONTAL PLANE, UNLESS NOTED OTHERWISE. VERTICAL DIMENSIONS ARE MEASURED IN A TRUE VERTICAL PLANE, UNLESS NOTED OTHERWISE.
- ALL DESIGN FOR THE PROJECT, EXCEPT AS DIRECTED BY NJ TRANSIT, SHALL BE IN ACCORDANCE WITH PROJECT DESIGN CRITERIA AND PROJECT SPECIFICATIONS.
- CONSTRUCTION ACTIVITIES SHALL BE CONFINED WITHIN THE RIGHT-OF-WAY PROVIDED AND AREAS DESIGNATED FOR CONSTRUCTION STAGING.
- THE DESIGN SHALL FOLLOW ALL FEDERAL, STATE, AND LOCAL ORDINANCES APPLICABLE TO THE REMOVAL, DISPOSAL AND TRANSPORT OF ALL EXCAVATED MATERIAL.

	WETLANDS (ACRES)			OPEN WATER (ACRES)		
WETLAND NO.	PERMANENT	PERMANENT	TEMPORARY	PERMANENT	PERMANENT	TEMPORARY
	FILLED AREA	SHADED AREA	IMPACT AREA	FILLED AREA	SHADED AREA	
INTERTIDAL AAA	-	-	0,155	-	-	-
PALUSTRINE AB	1.058	0.019	0.394	0.020	0.006	0,007
PALUSTRINE AE	-	-	0.008	-	-	-
PALUSTRINE AH	•	•	0.006	-	-	-
PALUSTRINE AK	0.084	-	0.122	0.002	-	•
PALUSTRINE AL	0.621	-	0,260	0.350	-	0,109
PALUSTRINE AR/AT	5.035	-	1,125	2.000	-	0,565
PALUSTRINE AZ	•	-		-	0.008	-
PALUSTRINE AZZ	•	• .	0.017	-	_	-
PALUSTRINE EE	0.421	•	0.123	0.085	-	0.080
PALUSTRINE JG	0.083	-	0.048	-	-	-
PALUSTRINE M	0.187	0.026	0.245	0.001	-	0.069
PALUSTRINE NO	1,130	. •	0.247	0.404	-	0.356
INTERTIDAL PS	3.702	•	0.857	0.265	-	0.080
PALÜSTRINE UT	0.037	•	0.048	•	-	-
PALUSTRINE WAG/WAF	0.130	0.044	0.099	•	-	-
PALUSTRINE X	I.266	•	0,555	-	-	0.003
PALLISTRINE Y	0.138	•	0.134	-	-	0.020
PALUSTRINE Z	0.468	0.002	0.302	0.001	0,010	0.031
KEARNY OUTFALLS	-	•	•	0.012	-	0.044
TOTALS	14.360	0.09i	4.745	3,140	0.024	1,364

ALIGNMENT

- ALL STATIONS ON THE DRAWINGS ARE IN FEET AND ARE MEASURED ALONG THE TRACK CENTERLINES.
- 2. GRADIENTS ARE IN PERCENT, UNLESS NOTED OTHERWISE.

RIGHT OF WAY

- REPUTED OWNER, TAX BLOCK NUMBERS, LOT NUMBER, LOT SIZE AND PARCEL AREA INFORMATION INDICATED ON THE PLANS WERE OBTAINED FROM AVAILABLE DEED INFORMATION AND TAX MAPS.
- 2. ALL PROPOSED FEE ACQUISITIONS, PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS WILL BE OBTAINED BY NJ TRANSIT PRIOR TO START OF CONSTRUCTION.



DMIM HARRIS | AECOM CERTIFICATE OF AUTHORIZATION No. 24GA27986000

NEW JERSEY PROFESSIONAL ENGINEER LICENSE NO 24GF034R0500

USACE SECTION 10/404 PERMIT

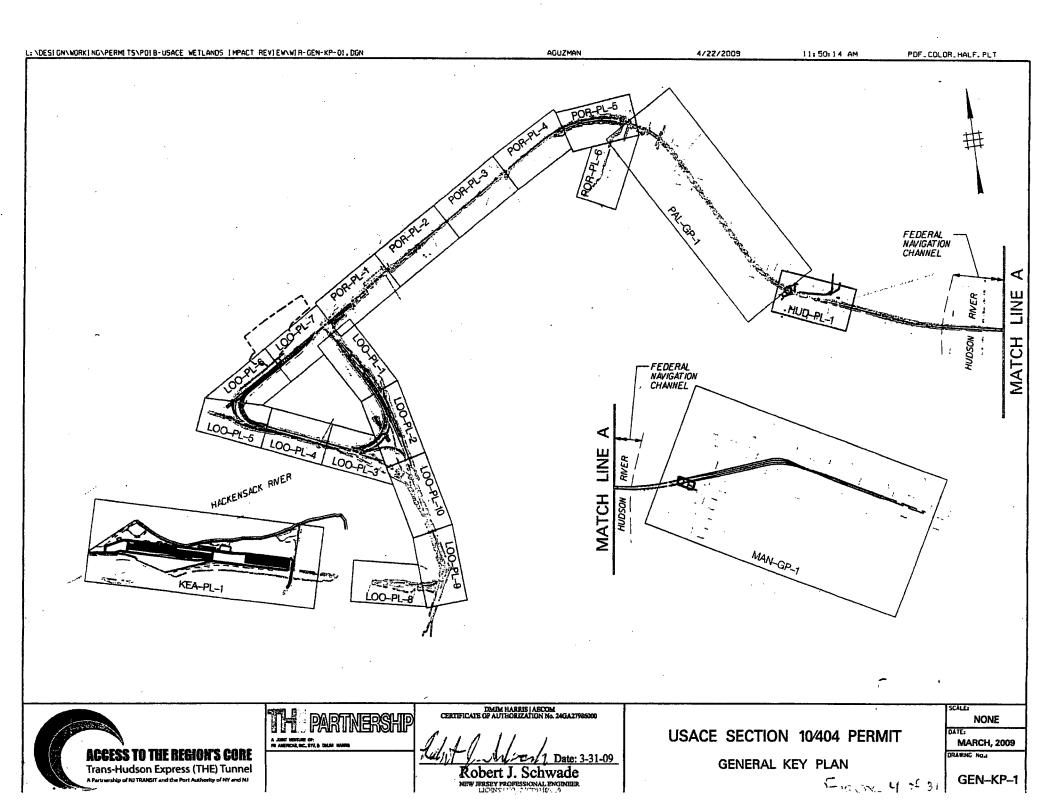
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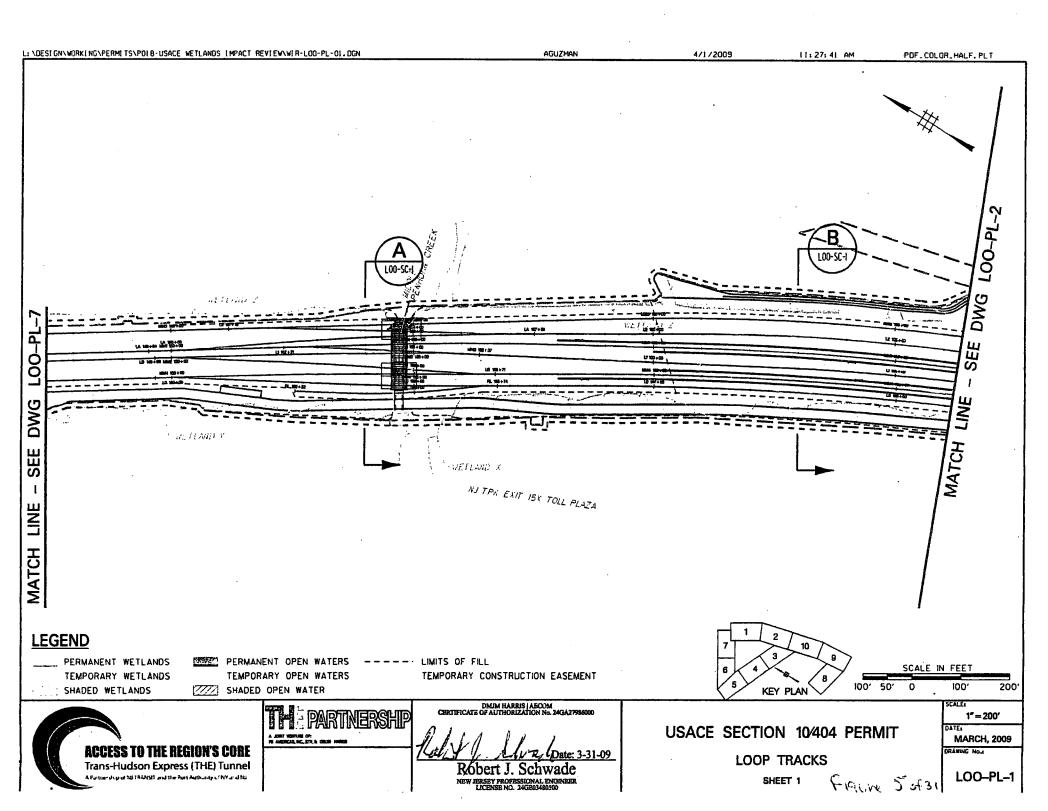
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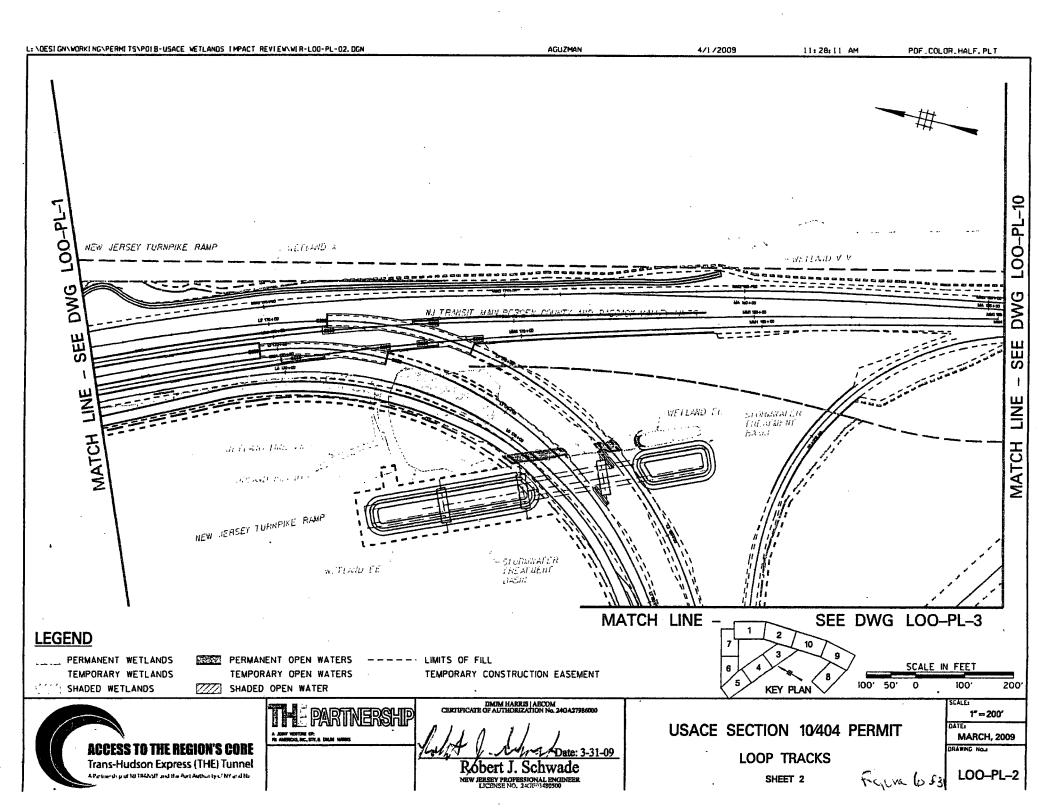
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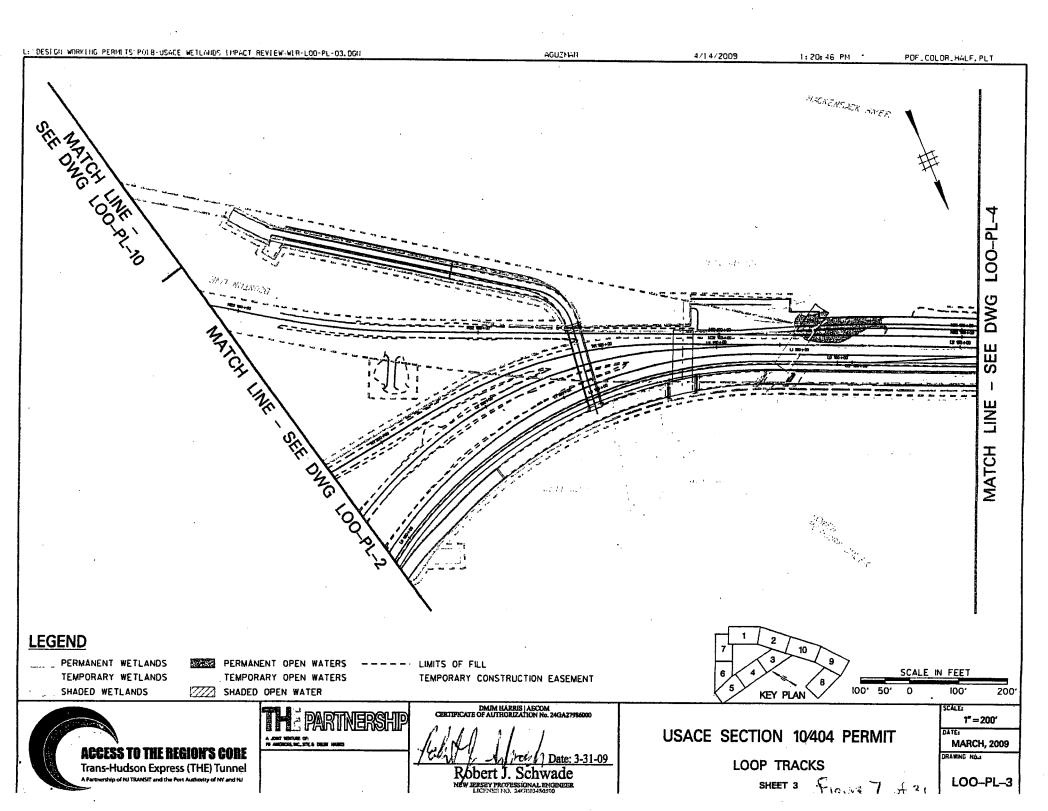
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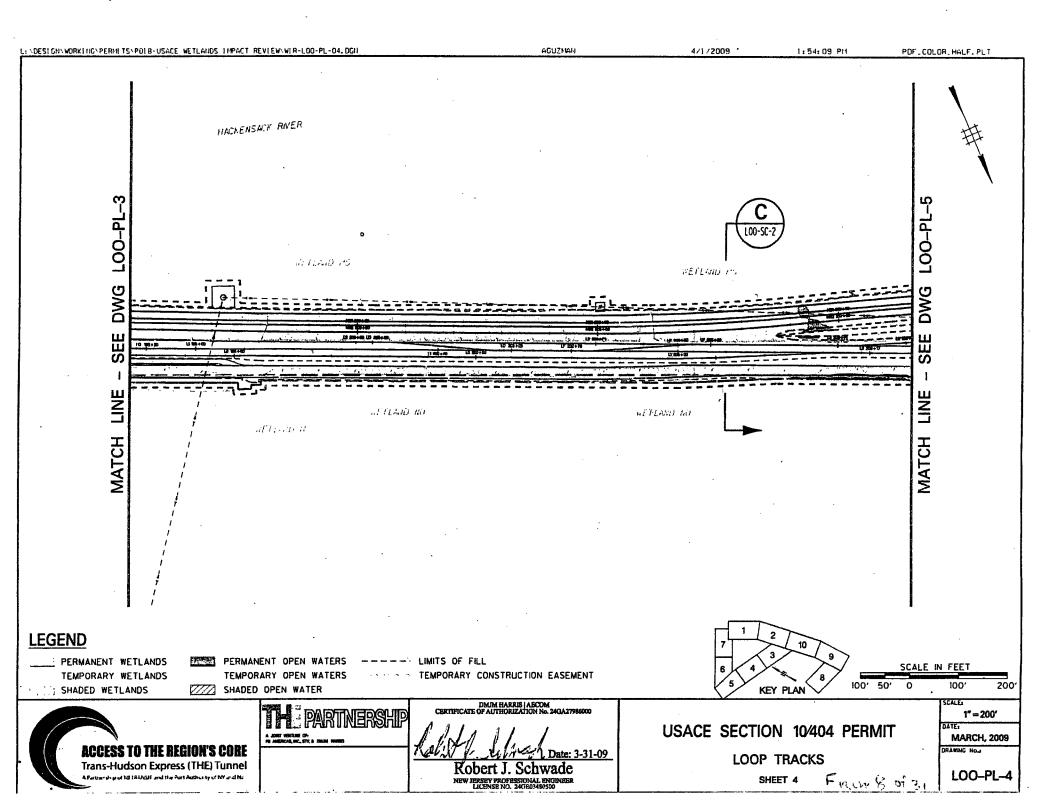
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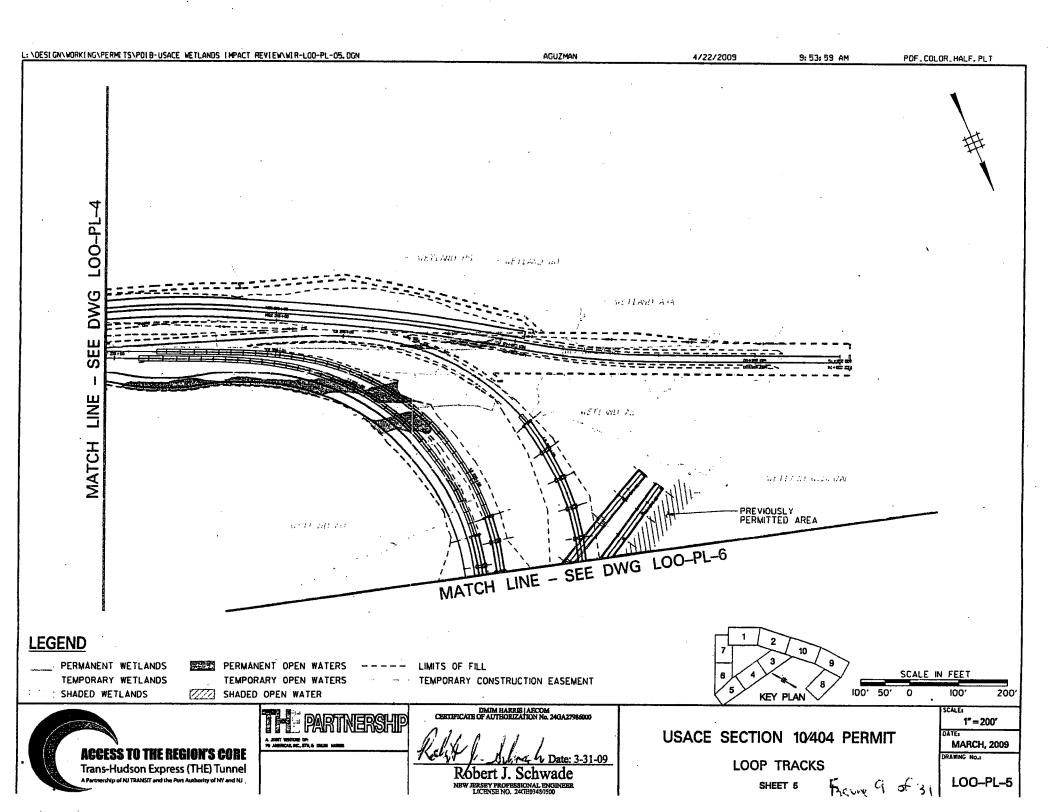


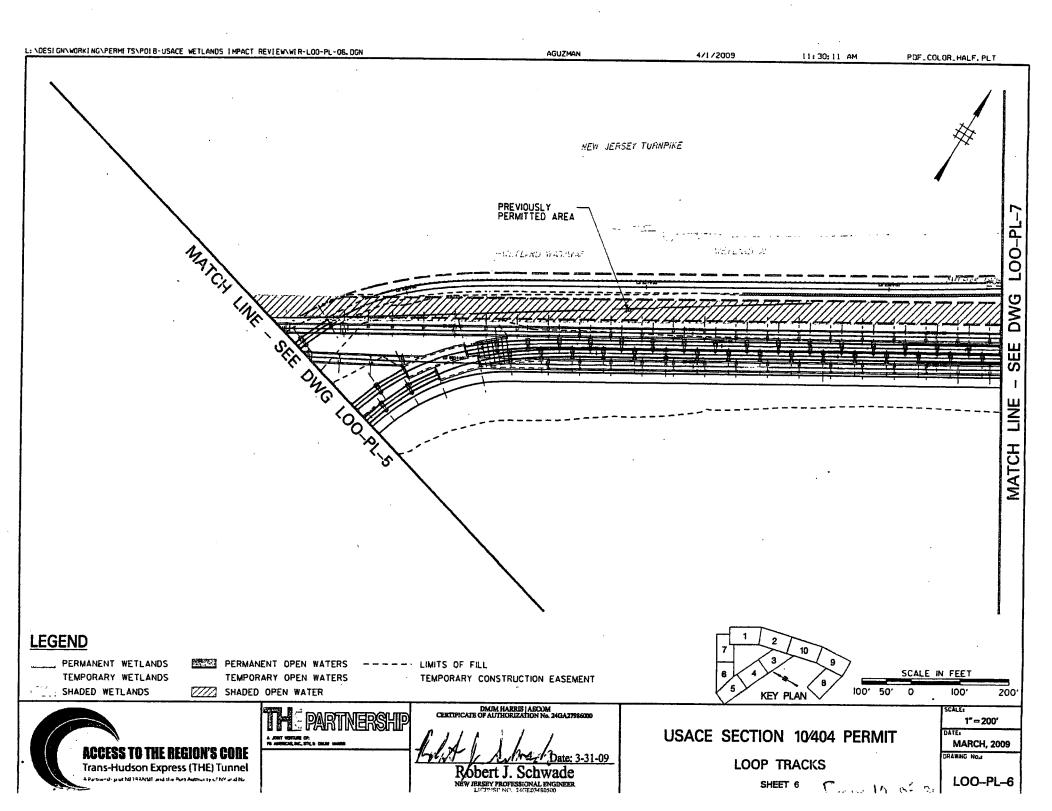


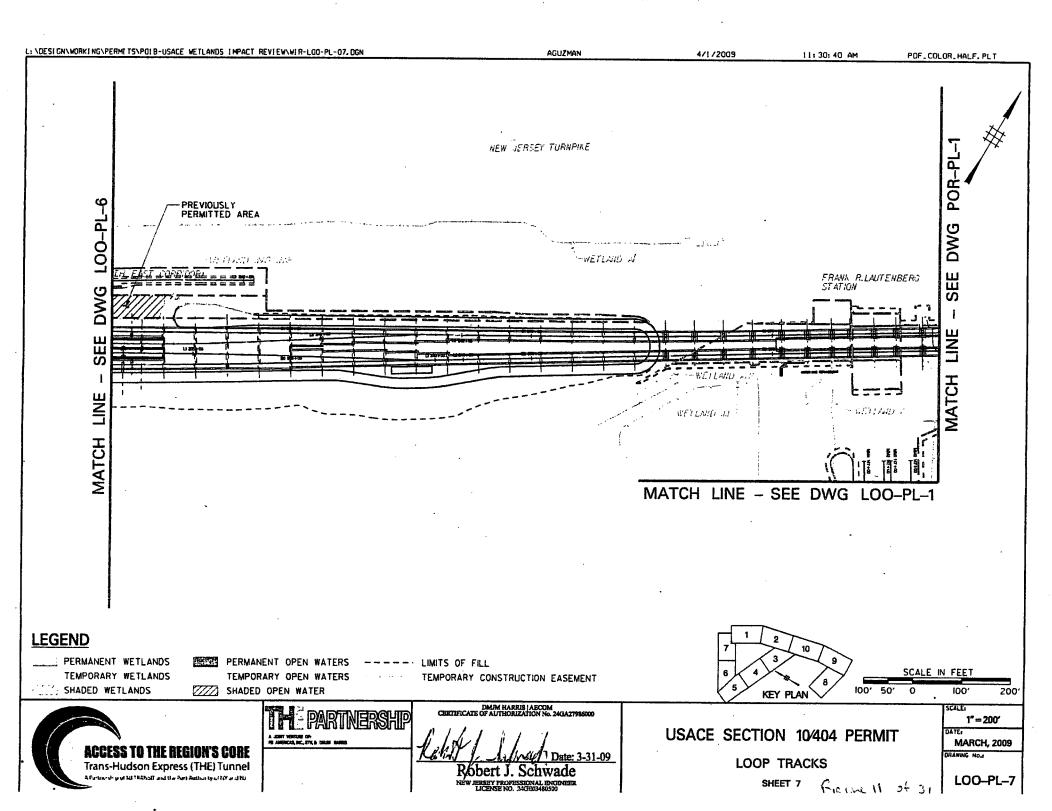


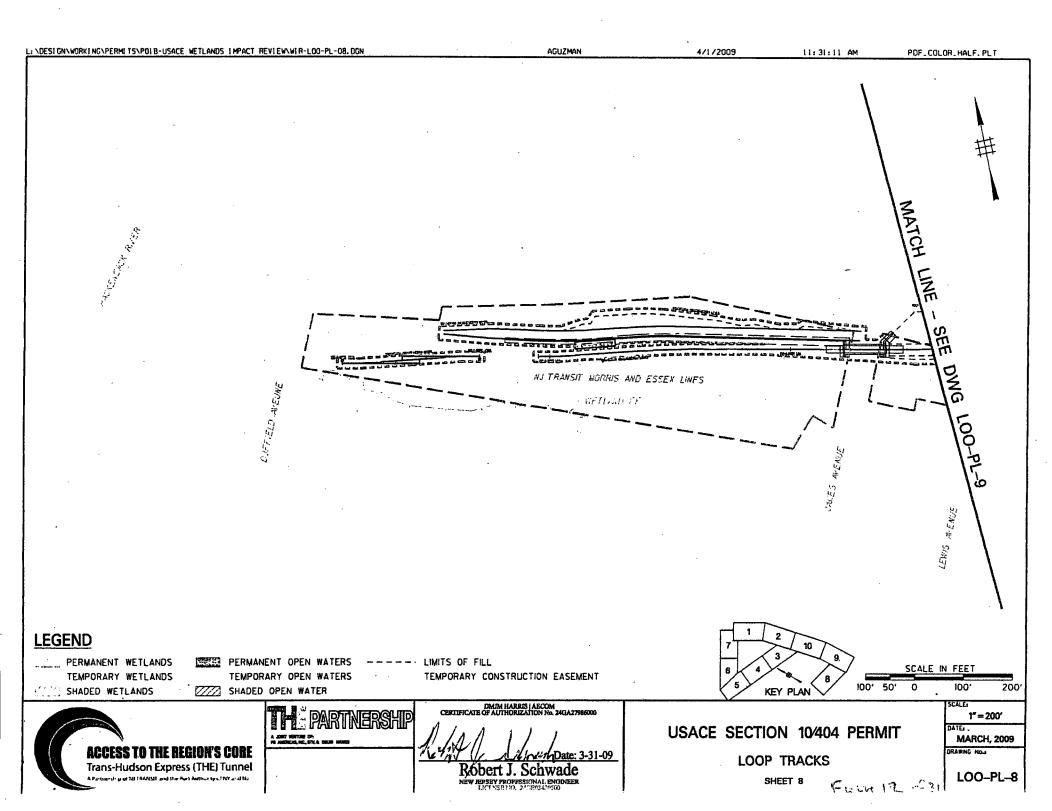


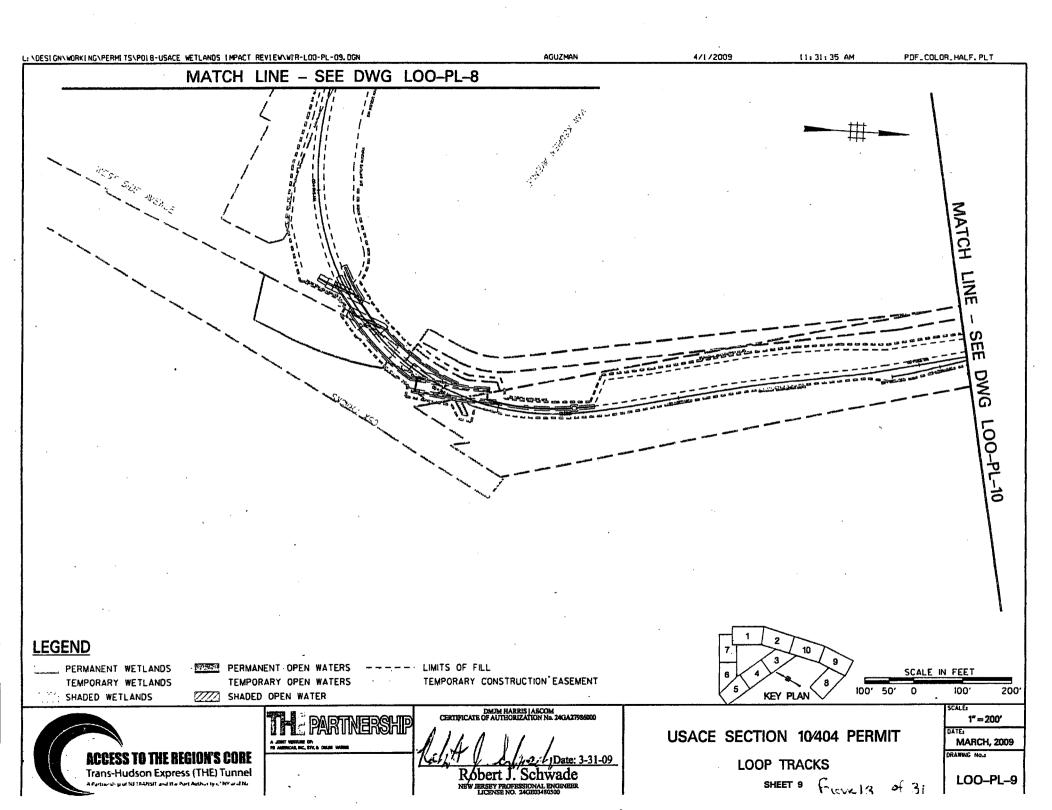


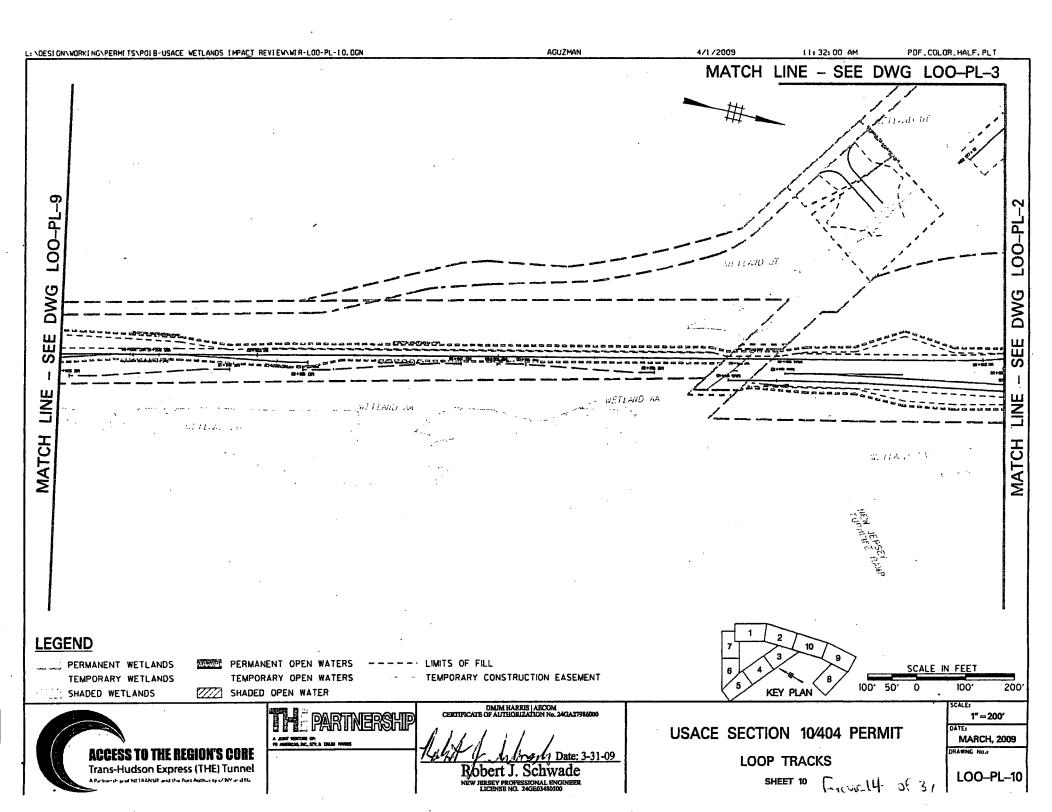


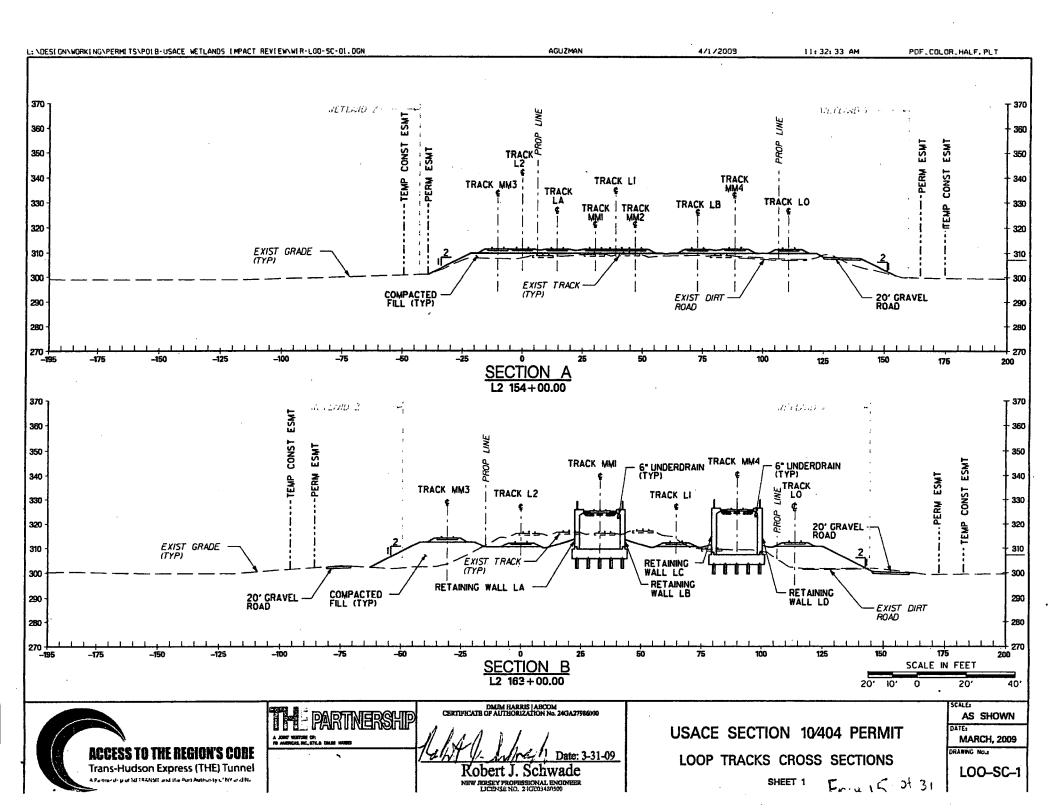


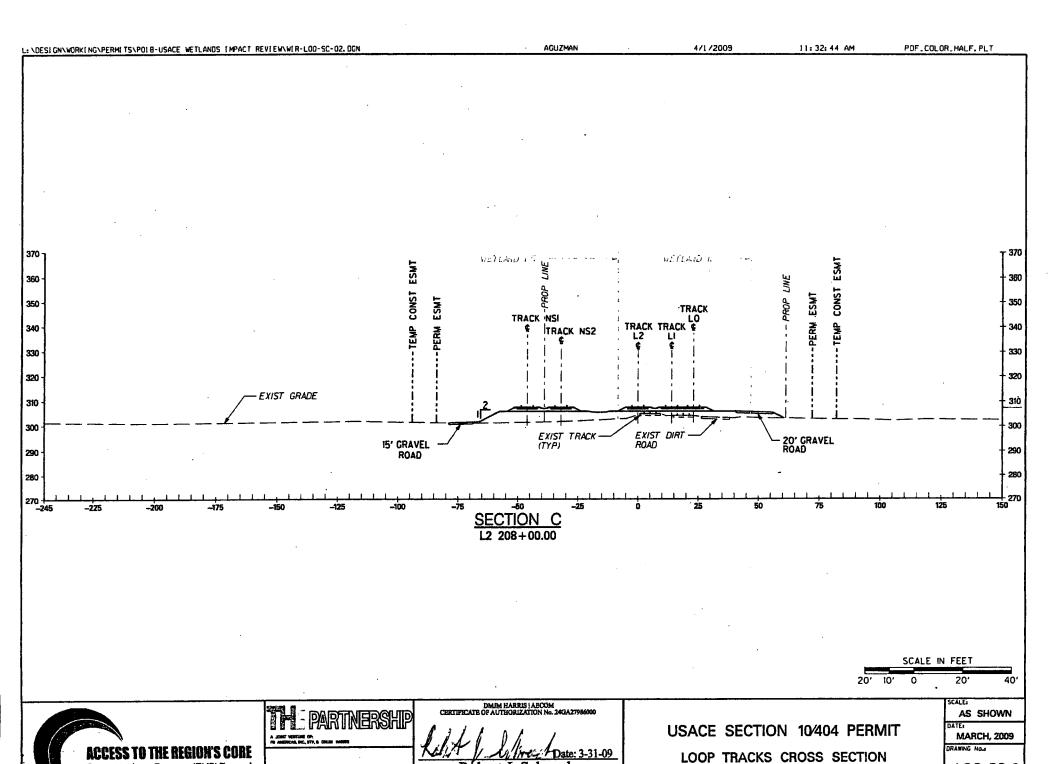












NEW JERSEY PROPESSIONAL ENGINEER

LOO-SC-2

SHEET 2 [11 05 3)

Trans-Hudson Express (THE) Tunnel

